

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRACY INMAN,

Defendant.

8:21-CR-60

ORDER

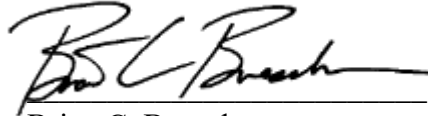
On June 8, 2023, defendant Tray Inman filed a Motion to Vacate under 28 U.S.C. § 2255 asserting four grounds for habeas relief involving alleged ineffective assistance of counsel: (1) failure to file a notice of appeal; (2) failure to challenge the purity and quantity of methamphetamine attributed to her; (3) failure to ensure she understood her plea agreement; and (4) failure to move for a departure based on “mental health” and “diminished capacity.” [Filing 94](#). In its June 27, 2023, order, the Court denied all of Inman’s grounds for relief except for her allegation that her attorney failed to file an appeal at her request. [Filing 95](#). The Court directed the United States to file a response on that remaining issue. [Filing 95 at 6](#).

On July 10, 2023, the United States responded that it opposed Inman’s Motion and that her remaining ground for relief required an evidentiary so that the Court could make credibility determinations. [Filing 96](#). The Court agrees and will refer the matter to the magistrate judge to hold an evidentiary hearing and draft a findings and recommendation for the Court’s review. Accordingly,

IT IS ORDERED that the issue of whether defendant Tracy Inman directed her counsel to file an appeal, as alleged in her Motion to Vacate, [Filing 94](#), is referred to the magistrate judge for an evidentiary hearing and to draft a findings and recommendation for the Court’s review.

Dated this 11th day of July, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge